

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

LEMARR JENNINGS, <i>et al.</i> ,	:	Case No. 1:13-cv-868
	:	
Plaintiffs,	:	Judge Timothy S. Black
	:	Magistrate Judge Karen L. Litkovitz
vs.	:	
	:	
DOUGLAS M. RASTAHER, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND  
RECOMMENDATION OF THE MAGISTRATE JUDGE (Doc. 4); (2) DENYING  
PLAINTIFF SHEPHARD'S MOTION TO PROCEED IN FORMA PAUPERIS (Doc.  
1); (3) DISMISSING PLAINTIFF SHEPHARD'S COMPLAINT (Doc. 3); AND (4)  
CERTIFYING THAT AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH**

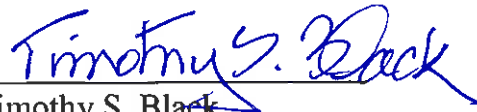
This case is before the Court on the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz. (Doc. 4). The Magistrate Judge recommends that: (1) Plaintiff Alonzo Dean Shephard's ("Shephard") Motion to Proceed *In Forma Pauperis* be denied; (2) Shephard be assessed the full filing fee of \$350; (3) Shephard's Complaint be dismissed as malicious; and (4) the Court certify that any appeal would not be taken in good faith. (Doc. 4). Plaintiffs filed Objections to the Report and Recommendation of the Magistrate Judge. (Doc. 7). The matter is now ripe for decision.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), upon reviewing Plaintiffs' filings and the comprehensive findings of the Magistrate Judge *de novo*, the Court: (1) **ADOPTS** the Report and Recommendation of the Magistrate Judge in its entirety (Doc. 4); (2) **DENIES** Shephard's Motion for Leave to Proceed *In Forma*

*Pauperis* (Doc. 1); (3) **DISMISSES** Shephard's Complaint *sua sponte* as malicious; and  
(4) **CERTIFIES** that an appeal of this Decision would not be taken in good faith.

**IT IS SO ORDERED.**

Date: 2/11/14

  
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Timothy S. Black  
United States District Judge